

**HOUSE JOURNAL
62ND LEGISLATURE
FIFTY-FIRST LEGISLATIVE DAY**

Helena, Montana
March 7, 2011

House Chambers
State Capitol

House convened at 1:53 p.m. Mr. Speaker in the Chair. Invocation by Representative Edmunds. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Evans, Swanson, and K. Williams, excused. Quorum present.

BILLS (O'Hara, Chairman): 3/7/2011

Correctly printed: **HB 568**.

Correctly enrolled: **HB 44, HB 57, HB 84, HJR 4, HJR 5**.

Delivered to the Governor for approval at 1:55 p.m., March 7, 2011: **HB 74, HB 204, HB 208, HB 294**.

Representative Taylor introduced pages as follows:

LEGISLATIVE ADMINISTRATION (O'Hara, Chairman): 3/7/2011

MR. SPEAKER:

We, your committee on Legislative Administration recommend that employment of the following attaches of the House be terminated as of 12:00 p.m., Saturday, March 5, 2011:

<u>TITLE</u>	<u>NAME</u>
Pages:	Toriah Baker, Great Falls
	Andrew Helming, Butte
	Tori Nickol, Helena
	Tessa Kilsdonk, Baker
	Jacy O'Neil, Plentywood
	Claire Garman, Townsend
	Amanda Tharp, Sunburst
	Mary Sue Gerst, Basin

and recommend that the following attaches of the House be employed as of 8:00 a.m., Monday, March 7, 2011:

<u>TITLE</u>	<u>NAME</u>
Pages:	Conner Menahan, Colstrip
	Kate Jones, Red Lodge
	Ann-Kristin Woestmann, Herne Germany
	Jack Clark, Choteau

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Kristin Schalk, Deer Lodge
Quincy Riordan, Butte
Michael Coulimore, Bridger

Report Adopted.

REPORTS OF STANDING COMMITTEES

NATURAL RESOURCES (Hendrick, Chairman): 3/4/2011
HB 568, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence: 3/5/2011

SB 296, introduced by Tutvedt
SB 379, introduced by Olson

House bills concurred in and returned to the House: 3/5/2011

HB 44, introduced by Hoven
HB 57, introduced by Hiner
HB 84, introduced by Boland

House joint resolutions concurred in and returned to the House: 3/5/2011

HJR 4, introduced by K. Peterson
HJR 5, introduced by Regier

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 284, introduced by Blewett, Van Dyk, referred to Human Services.

SB 306, introduced by Murphy, Vincent, G. Bennett, Olson, Keane, Brown, Buttrey, Yates, Hale, referred to Natural Resources.

SB 324, introduced by Balyeat, Burnett, Olson, Arthun, Wittich, Brenden, Vincent, Jackson, Jones, Buttrey, Murphy, Berry, Shockley, Ripley, Steinbeisser, O'Neil, Priest, Kerns, Mowbray, Ankney, Blasdel, Essmann, G. Bennett, Brown, Zinke, C. Smith, Knox, Moore, Vance, Tutvedt, Warburton, Lake, Kennedy, Brodehl, referred to Judiciary.

SB 327, introduced by Larsen, referred to Natural Resources.

SB 330, introduced by Walker, referred to Federal Relations, Energy, and Telecommunications.

SB 341, introduced by Moore, referred to Business and Labor.

SB 351, introduced by Ripley, Wanzonried, O'Hara, Facey, Caferro, Milburn, J. Peterson, Tropila, Kaufmann, Windy Boy, Jones, Lewis, Flynn, Stahl, Klock, referred to Business and Labor.

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SB 356, introduced by Hamlett, referred to Natural Resources.
SB 357, introduced by Hamlett, Ripley, referred to Local Government.
SB 361, introduced by Ripley, Klock, Zinke, Buttrey, Olson, referred to Business and Labor.
SB 366, introduced by Vincent, referred to Human Services.
SB 370, introduced by Priest, referred to Human Services.
SB 374, introduced by Olson, referred to State Administration.
SB 384, introduced by Van Dyk, referred to Agriculture.

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJR 12, introduced by Walker, Ripley, Jones, Zinke, Ankney, McChesney, Hinkle, Olson, Vincent, Brodehl, Arthun, referred to Federal Relations, Energy, and Telecommunications.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Menahan in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 286 - Representative McGillvray moved consideration of **HB 286** be passed for the day. Motion carried.

HB 182 - Senate Amendments - Representative Arntzen moved Senate amendments to **HB 182** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 97

Nays: Burnett, McGillvray, Miller.

Total 3

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Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 333 - Representative Reichner moved **HB 333** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Mehlhoff, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 68

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Menahan, Noonan, Pease-Lopez, Phillips, Price, Read, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 32

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 357 - Representative MacLaren moved **HB 357** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Klock, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Mehlhoff, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 66

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Furey, Hale, Hill, Hiner, Hollenbaugh, Hunter, Kerns, Knox, MacDonald, Malek, McChesney, McClafferty, McNally, Menahan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Skattum, Skees, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 33

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Excused: None.

Total 0

Absent or not voting: Noonan.

Total 1

HB 299 - Representative Hansen moved **HB 299** do pass.

HB 299 - Representative Ankney moved for cloture.

HB 299 - Representative Hansen moved **HB 299** do pass. Motion carried as follows:

Yeas: Arntzen, Bangerter, Barrett, B. Beck, B. Bennett, Berry, Blyton, Boland, Brodehl, Clark, Connell, Court, Edmunds, Evans, Fitzpatrick, Flynn, Furey, Greef, Hands, Hansen, Harris, Hoven, Howard, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, McChesney, McClafferty, McGillvray, McNally, McNiven, More, Noonan, O'Hara, O'Neil, Osmundson, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Salomon, Sands, Schmidt, C. Smith, Stahl, Swanson, Taylor, Warburton, Williams, Wilmer, Mr. Speaker.

Total 57

Nays: Ankney, Belcourt, G. Bennett, Blasdel, Burnett, Cook, Cuffe, Driscoll, Ehli, Esp, Gibson, Hale, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Malek, McNutt, Mehlhoff, Menahan, Miller, Pease-Lopez, Randall, Roberts, Rosendale, Sesso, Skattum, Skees, Small, F. Smith, Squires, Vance, Wagner, Washburn, Welborn, Yates.

Total 43

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 529 - Representative Stahl moved **HB 529** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso,

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Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: Malek.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 19 - Senate Amendments - Representative Sands moved Senate amendments to **HB 19** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 97

Nays: Harris, Miller, Regier.

Total 3

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Majority Leader McGillvray moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Menahan moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Bangerter, Barrett, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, Malek, McChesney, McClafferty, McGillvray, McNiven, McNutt,

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Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Williams, Wilmer, Yates, Mr. Speaker.

Total 88

Nays: Belcourt, B. Bennett, Boland, McNally, Phillips, Sesso, Squires, Welborn.

Total 8

Excused: Swanson.

Total 1

Absent or not voting: Ankney, MacLaren, Peterson.

Total 3

MOTIONS

Representative McGillvray moved **HB 357** be moved from the Committee of the Whole after Second Reading to the Appropriations committee.

Representative McGillvray moved **HB 299** be moved from the Committee of the Whole after Second Reading to the Appropriations committee.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative McGillvray moved that the House adjourn until 1:00 p.m., Tuesday, March 8, 2011. Motion carried.

House adjourned at 3:12 p.m.

BETH CARGO
Chief Clerk of the House

MIKE MILBURN
Speaker of the House